

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

KYLE GREGORY STONE,

Plaintiff,

Case No. 1:23-cv-10855

v.

Honorable Thomas L. Ludington  
United States District Judge

RICHARD HARBAUGH,

Defendant.

Honorable Kimberly G. Altman  
United States Magistrate Judge

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter is before this Court upon Magistrate Judge Kimberly G. Altman's Report and Recommendation (R&R), ECF No. 26, recommending that this Court deny Defendant's Motion for Summary Judgment on the Basis of Exhaustion, ECF No. 19.

Although the R&R states that Plaintiff could object to and seek review of the R&R within 14 days of service, neither Party objected. They have therefore waived their right to appeal Judge Altman's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Altman's Report and Recommendation, ECF No. 26, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's Motion for Summary Judgment on the Basis of Exhaustion, ECF No. 19, is **DENIED**.

**This is not a final order and does not close the above-captioned case.**

Dated: May 10, 2024

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge